

**In the Claims:**

Please cancel claim 14.

Please amend claims 1 and 15 as follows:

*Sub 1*

1. (Amended) A composition comprising a first nucleic acid construct comprising a first gene whose expression is controlled by a first promoter whose function is suppressed by a wild-type p53 or p16<sup>INK4</sup> allele in non-tumor cells relative to tumor cells carrying a mutant p53 or p16 allele, and a second nucleic acid construct comprising a second gene whose gene product suppresses expression of said first gene, wherein the expression of said second gene is controlled by a second promoter that is up-regulated in non-tumor cells relative to tumor cells carrying a mutant p53 or p16 allele, such that said first gene is expressed in tumor cells and suppressed in non-tumor cells.

*C2*

15. The composition according to claim 1 wherein said first promoter is the HSP70 promoter.

Please add new claim 25 as follows:

*C3*

25. (New) The composition of claim 1, wherein said first promoter is selected from the group consisting of the HSP70 promoter, the Bcl-2 promoter, the PCNA promoter, the MDR1 promoter, the CMV promoter and the p16<sup>INK4</sup> promoter.